

The Comments of Food Animal Concerns Trust
to the National Organic Standards Board

May 20, 2005

Comments submitted by:
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Re: NOSB Livestock Committee Recommendation for Guidance Pasture Requirements for the
National Organic Program

Introduction

Food Animal Concerns Trust (FACT) is a non-profit organization founded in 1982 that advocates humane and sustainable farming practices that: improve the safety of milk, meat and eggs; promotes the humane and sustainable husbandry of food animals; and reduces environmental pollution and conserves natural resources. FACT successfully created a niche market for eggs from uncaged hens through it's Nest Eggs® project. FACT also researches and promotes steps that can be taken by livestock producers to reduce the risk from foodborne illness. FACT has worked, and continues to work, with the US Department of Agriculture (USDA) and the Food and Drug Administration (FDA) on food labeling claims for food animal production.

FACT is pleased to have this opportunity to submit comments to the NOSB regarding the Livestock Committee Recommendation for Guidance – Pasture Requirements for the National Organic Program.

Comments

On April 28, 2004, FACT submitted written comments to the National Organic Standards Board (NOSB) supporting the need for clearly defined animal husbandry standards. Clearly defined minimum standards serve to maintain the integrity of the National Organic Program (NOP) by eliminating any confusion regarding the meaning or interpretation of these standards, either by producers, the NOP staff responsible for enforcement of these standards, or consumers.

The current lack of clearly defined standards has left the issue of organic animal husbandry open to interpretation and the integrity of the organic program uncertain. As a result, several

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producers have entered the organic marketplace, manipulating often vague animal production guidelines to suit their management practices rather than change their practices to accommodate the intent of the organic rule. Lawsuits and formal complaints have been filed with the courts and the USDA. Producers and certifiers are at odds with each other over the interpretation of the standards. The only way to eliminate this controversy is to further clarify the defined guidelines for organic certification.

FACT once again calls for clearly defined animal husbandry standards, this time regarding pasture requirements for ruminant livestock. Grazing ruminants on pasture is an integral part of a sustainable livestock system. It also plays a vital role in consumer purchasing decisions when they choose certified organic products. These positions have been supported over the past several years via public comment and testimony at NOSB meetings.

From an animal welfare perspective, NOP allows animals some very basic freedoms, including freedom of movement and the ability to express natural behaviors. Section 205.239(4) of the National Organic Program requires living conditions and shelter that allows for "natural maintenance, comfort behaviors and opportunity to exercise." Ronnie Cummins, national director for the Organic Consumers Association has been quoted as saying, "People are paying more for organic products because they think the farmers are doing it right, that they're treating animals humanely and that the quality of the product is different."¹ Ms. Cummins also goes on to discuss the entry of large corporate operations into the organic marketplace. She states, "Intensive confinement of animals is a no-no. This is Grade B organics."²

From a consumer perspective, consumers often pay more for organically produced food that they believe is raised in a humane and sustainable way. FACT receives calls on a regular basis from consumers looking for meat, milk and eggs from animals raised on pasture. With regards to milk, NOSB member Hubert Karreman stated "There is a perception that this milk comes from happy cows on grass. I think we need to confirm that perception instead of undercutting it."³ Mark Kastel, of the Cornucopia Institute, stated, "Consumers pay a premium to feel like they're supporting a certain environmental ethic and the humane treatment of animals."⁴

Grazing animals on pasture, when managed appropriately, and at an appropriate stocking density, also improves soil and air quality and eliminates many manure management issues, as manure is spread by the animals as they walk, not stored in large outdoor lagoons. As one certification director has stated, "Organic is about balancing the amount of land with the amount of animals and the health of the animals."⁵

Therefore, FACT supports the following wording for the Guidance for interpretations of §205.239(a)(2), A. Organic System Plan: "Ruminant livestock shall graze pasture during the months of the year when pasture can provide edible forage. The Organic System Plan shall have the goal of providing *grazed feed (grass and forages still connected to its roots) greater than*

¹ Clarren, Rebecca, "Land of Milk and Honey," Salon.com, April 13, 2005.

² Ibid.

³ Onion, Amanda, "Dispute: What Makes Milk Organic?" ABC News, March 14, 2005.

⁴ Ibid.

⁵ Clarren, Rebecca, "Land of Milk and Honey," Salon.com, April 13, 2005.

30% dry matter intake on a daily basis during the growing season, for a time period not less than 120 days. The Organic System Plan shall include a timeline showing how the producer will satisfy the goal to maximize the pasture component of total feed used in the farm system. For livestock operations with ruminant animals, the operations Organic System Plan shall describe: 1) the amount of pasture provided per animal (number of animals per acre), 2) the average of amount of time that animals are grazed on a daily basis; 3) the portion of the total feed requirement that will be provided from pasture; 4) circumstances under this animals will be temporary confined; and 5) the records that are maintained to demonstrates compliance with pasture requirements."

FACT also supports the following wording under C. Appropriate pasture conditions: "Appropriate pasture conditions shall be determined in accordance with the regional Natural Resources Conservation Service Conservation Practices Standards for Prescribed Grazing (Code 528) for the number of animals in the Organic System Plan, *assuming the 120 minimum period for grazing is met, as proposed under §205.239 (a)(2).*"

The above recommendations were derived through a cooperative effort of consumer groups, organic dairy producers and organic industry leaders. Prior to the February 2005 NOSB meeting in Washington, DC, comments supporting stronger pasture requirements were provided by over 2100 Organic Valley farmers and consumers, as well as the Northeast Organic Dairy Producers Alliance, representing over 1300 organic dairy farmers across the country.

FACT believes the intent of the organic rule is to require dairy cows and other ruminants, at all stages of their reproductive life, to have access to pasture. Organic food production should be the gold standard. Organic food products should be clearly and readily distinguishable from other conventionally-produced food products, especially animal food products raised on factory-style farms. There is no room for "Grade B" organics in this system.

FACT realizes that the above recommended guidance may require some organic producers to change their production practices. Some of the larger operations, which currently do not have adequate pasture for their lactating cows, will have to invest in additional acreage to meet the pasture requirements. They may also have to install irrigations systems to accommodate drier climates. However, many smaller producers are already taking these steps.

Any necessary change will only serve to level the playing field for all producers, large and small, and create a more equitable production system. One organic milk producer states that if large "dairies don't invest in the cost of land for pasture, they can sell their milk for less."⁶ That puts smaller producers, adhering to the original organic philosophies, at a disadvantage in a market they helped to create. This should not be the case. Vague standards that remain "open to interpretation" also set the stage for price wars, whereby producers do all they can to minimize production costs so they can sell their product at a lower cost. These cost reductions should not come at the expense of the organic rule, the animals, the consumers or small farmers. Pricing wars and production cost reductions have been happening for decades in mainstream food production. FACT believes the NOSB and the NOP should do all they can to make certain this does not happen in organic food production.

⁶ Ibid.

Steve Demos, former president of White Wave Foods, stated, "If moms and consumers care about avoiding hormones and antibiotics, then it's our job to fill that need as much as possible."⁷ FACT believes there is a great opportunity to expand the availability of organic food to all consumers. However, greater availability must not come at the expense of organic integrity. If producers do not want to comply with the organic pasture requirements, there are several other niche markets that exist in which they can market their products. They still have the option of marketing their milk as "no antibiotics and no hormones." They can also market it as "all natural." They have many choices. And one of those choices is to comply with the tenets of organic production and provide access to pasture for all their cows. If they choose not to provide pasture, they should not be allowed to use the USDA Organic Seal.

Thank you.

⁷ Ibid.